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Attorneys for Crowley Marine Services, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

GARY J. CROCHET }
}

Plaintiff.)

vs.

Defendant.) **OPPOSITION TO CROWLEY'S
MOTION TO AMEND ANSWER**

Plaintiff opposes defendant's motion to amend its answer simply by referring to its opposition to Crowley's motion for partial summary judgment seeking dismissal of plaintiff's wrongful termination claim. Plaintiff offers no case law authority for the proposition that the motion to amend defendant's answer should be denied. Likewise, plaintiff offers no evidence of any prejudice, undue delay or dilatory motive which might otherwise serve as a basis for denial of a motion to amend under Fed.R.Civ.P. 15.

1 As stated in defendant's memorandum in support of its motion to
2 amend, the policy underlying Rule 15 as evidenced by the case law interpreting
3 the rule is that leave to amend should be freely granted, and a policy of allowing
4 an amended pleading is to be liberally applied. As plaintiff has failed to identify
5 or prove any of the limited exceptions to this policy which are discussed in the
6 authorities cited in defendant's memorandum, the proposed amendment should
7 be allowed. In this case, there is absolutely no showing of any prejudice
8 whatsoever which might otherwise serve as a basis for denial of the motion.
9 Absent any strong showing of prejudice or any of the remaining factors discussed
10 in *Foman v. Davis*, 371 U.S. 178, 83 S. Ct. 227, 9 L.Ed.2 222 (1962), the
11 presumption in favor of granting leave to amend has not been overcome, and the
12 proposed amendment should be permitted.

13 DATED at Anchorage, Alaska this 28th day of April, 2006.

14
15 KEESAL, YOUNG & LOGAN
16 Attorneys for Crowley Marine Services, Inc.

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1 CERTIFICATE OF SERVICE:

2 I HEREBY CERTIFY THAT I CAUSED TO
3 BE SERVED A TRUE AND CORRECT COPY
4 OF THE FOREGOING THIS 28TH DAY OF
APRIL, 2006 TO:

5 Via Mail and email

6 Heather L. Gardner
7 Law Office of Michael J. Patterson
810 W. 2nd Avenue
Anchorage, AK 99501

8 s/Douglas R. Davis

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REPLY

CROCHET v. CROWLEY MARINE SERVICES, INC.

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Page 3 of 3